

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

53 STANHOPE LLC, *et al.*¹

Debtors.

Chapter 11

Case No. 19-23013 (RDD)

Jointly Administered

**DECLARATION OF DANIEL A. FLIMAN IN SUPPORT OF
BROOKLYN LENDER LLC'S MOTION PURSUANT TO
11 U.S.C. § 1104(a) FOR APPOINTMENT OF A CHAPTER 11 TRUSTEE**

DANIEL A. FLIMAN, an attorney duly licensed to practice law before the courts of the state of New York and admitted to practice before the United States Bankruptcy Court for the Southern District of New York and the United States District Court for the Southern District of New York, hereby declares, under penalty of perjury pursuant to 28 U.S.C. § 1746, that:

1. I am a partner of the firm Stroock & Stroock & Lavan LLP, counsel for Brooklyn Lender LLC (“Brooklyn Lender”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”).

2. I respectfully submit this declaration in support of *Brooklyn Lender LLC's Motion Pursuant to 11 U.S.C. § 1104(a) for Appointment of a Chapter 11 Trustee* (the “Motion”), filed contemporaneously herewith.²

3. Attached hereto as Exhibit A is a true and correct copy of the official transcript of the July 23, 2019 Section 341 Meeting of Creditors.

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: 53 Stanhope LLC (4645); 55 Stanhope LLC (4070); 119 Rogers LLC (1877); 127 Rogers LLC (3901); 325 Franklin LLC (5913); 618 Lafayette LLC (5851); C & YSW, LLC (2474); Natzliach LLC (8821); 92 South 4th St LLC (2570); 834 Metropolitan Avenue LLC (7514); 1125-1133 Greene Ave LLC (0095); APC Holding 1 LLC (0290); D & W Real Estate Spring LLC (4591); Meserole and Lorimer LLC (8197); 106 Kingston LLC (2673); Eighteen Homes LLC (8947); 1213 Jefferson LLC (4704); 167 Hart LLC (1155) (collectively, the “Debtors”).

² Capitalized terms used herein but not herein defined shall have the meanings ascribed to them in the Motion.

4. Attached hereto as **Exhibit B** is a true and correct copy of the official transcript of the September 10, 2019 Section 341 Meeting of Creditors.

5. Attached hereto as **Exhibit C** is a true and correct copy of Official Form 207, Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy.

6. Attached hereto as **Exhibit D** is a summary prepared by Brooklyn Lender of the Debtors' outstanding post-petition real estate property taxes owed as of October 18, 2019.

7. Attached hereto as **Exhibit E** is a true and correct copy of report generated by sitecompli summarizing the Debtors' outstanding property violations through October 18, 2019, which was provided by Brooklyn Lender to me on November 11, 2019. Sitecompli is a third-party building management software that provides property insights for buildings in New York City. *See* <https://sitecompli.com/solutions/nyc-compliance/>.

8. Attached hereto as **Exhibit F** is a true and correct copy of the proofs of claim filed by the NYC Office of Administrative Trials and Hearings on November 18 and 19, 2019.

9. Attached hereto as **Exhibit G** is a true and correct copy of a September 17, 2019 e-mail exchange between Waterfront Management LLC and certain principals of the Debtors.

10. Attached hereto as **Exhibit H** is a true and correct copy of an October 25, 2019 e-mail exchange between counsel to Brooklyn Lender and the Debtors, with attachments omitted.

11. Attached hereto as **Exhibit I** is a true and correct copy of a November 1, 2019 e-mail exchange between counsel to Brooklyn Lender and the Debtors.

12. Attached hereto as **Exhibit J** is a true and correct copy of a November 19, 2019 e-mail exchange between counsel to Brooklyn Lender and the Debtors.

13. Attached hereto as **Exhibit K** is a true and correct copy of a November 20, 2019 e-mail exchange between counsel to Brooklyn Lender and the Debtors, with attachments omitted.

14. Attached hereto as **Exhibit L** is a true and correct copy of a November 18, 2019 e-mail exchange between counsel to Brooklyn Lender and proposed counsel to Nachman Strulovitch.

15. Attached hereto as **Exhibit M** is a true and correct copy of a December 4, 2019 e-mail exchange between counsel to Brooklyn Lender and the Debtors.

16. Attached hereto as **Exhibit N** is a true and correct copy of the GC Realty Advisors engagement letter, dated May 15, 2019.

17. Attached hereto as **Exhibit O** is a true and correct copy of a June 26, 2003 press release from the United States attorney's office.

18. Attached hereto as **Exhibit P** is a true and correct copy of a representative sampling of the Investors' Claims filed on August 9, 2019.

19. Attached hereto as **Exhibit Q** is a true and correct copy of the Local Rule 1007-4 Declaration for Debtor 657-665 5th Avenue LLC (Bankr. E.D.N.Y.).

20. Attached hereto as **Exhibit R** is a true and correct copy of the Local Rule 1007-4 Declaration for Debtor Willoughby Estates LLC (Bankr. E.D.N.Y.).

21. Attached hereto as **Exhibit S** is a true and correct copy of the official transcript of the September 9, 2019 hearing before this Court.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 19, 2019
New York, NY

By: /s/ Daniel A. Fliman

Daniel A. Fliman